

**Amendments to the Drawings:**

Figures 1 and 4 have been amended by adding descriptive labels to the generic boxes.

Attachments: 2 sheets of replacement drawings (FIGS. 1 and 4).

## **REMARKS**

### **A. Pending Claims**

Claims 1-18 are pending. Claims 1 and 5 have been amended. Claim 17 and 18 are new.

### **B. Objections**

The drawings were objected to for failing to comply with 37 CFR 1.84(o)(n). The drawings have been amended for clarification. Applicant submits no new matter has been added to the drawings. Replacement drawings for Figures 2, 3 and 4 on 2 sheets of paper are attached.

### **C. Information Disclosure Statement**

The Office Action states that NPL documents 13 and 14 are missing from the file. Applicant respectfully disagrees. Applicant was able to view the NPL documents 13 and 14 in PAIR (first and second NPL documents received by the PTO on 7-13-2006). Applicant respectfully requests reconsideration of these documents.

The Office Action objects to an Information Disclosure Statement filed on 4-7-2003. Since the submission date of September 27, 2005 for the above-captioned application is after 4-7-2003, Applicant submits no Information Disclosure Statement for the above-captioned application could have been filed on 4-7-2003.

Applicant respectfully requests clarification or removal of this objection.

**D. The Claims Are Not Anticipated by Miller et al. Pursuant To 35 U.S.C. §102(b)**

Claims 1, 4, 6, 7, 8, 9, 10, 11, 14, 15, were rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 6,327,220 to Miller et al. (hereinafter “Miller”). Applicant respectfully disagrees with these rejections.

The standard for “anticipation” is one of fairly strict identity. A claim can only be anticipated if each and every element set forth in the claims is found to be either expressly or inherently described in the cited art. *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 728, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), MPEP §2131.

Amended claim 1 and new claim 18 describe a portable measuring instrument for use in a sport that involves at least one rotating wheel that includes a combination of features including, but not limited to, the feature of: “a first sensor mounted for measuring at least a rotation parameter of at least one rotating wheel”.

Support for the amendments to claim 1, are found in Applicant’s specification, which states at least in part:

In figure 1, a skater 1 is wearing roller skate boots 2, 3 fitted with wheels 4 disposed in lines. A roller skate 2 may include an instrumented wheel 5, shown shaded in figure 1, provided with a detector (not shown) including a sensor able to provide a measuring signal representing at least one rotation parameter of the instrumented wheel 5, and with a primary transmitter for transmitting primary signals corresponding to the measurements. A housing 6 is fixed to the top of the roller skate boot 2. The skater 1 wears a display 7 on his wrist provided with a wrist-strap (not visible) and a data display screen 7a. As represented by the jagged lines 8, 9, the housing 6 can receive primary radio signals transmitted by the primary transmitter of the detector of the instrumented wheel 5, and the display 7 can receive secondary radio signals transmitted by the relay housing 6. (Substitute specification, page 5, lines 1-12).

Miller does not appear to teach or suggest the above-quoted features of the claim. Miller appears to teach a device for locating swimmers in a swimming area or a pool. Each swimmer has a pressure sensor attached to his belt. For example, Miller states:

The present invention is a low frequency sonar surveillance system for tracking the location of swimmers who may be in danger. Each swimmer is equipped with an individual Sonar Swimmer Location Monitor (SSLM) which transmits a series of ultrasonic pulses when specified thresholds monitored by the SSLM (such as depth and time) are exceeded. The invention transmits omnidirectional pulses through the water from a transducer contained in the SSLM to a network of receiving transducers deployed around the perimeter of the pool or water park. The invention amplifies, filters, and processes the received signals resulting in a graphical and/or numerical display of the distressed swimmer's location. The invention is also capable of triggering an alarm (audible or visual) whenever specified thresholds are exceeded.  
(Miller, col. 3, lines 21-35)

The features of claim 1 including, but not limited to, “a first sensor mounted for measuring at least a rotation parameter of at least one rotating wheel” are not taught or suggested by Miller.

Claim 4 states in part, “wherein the housing comprises a display screen.” The quoted features of claim 4, in combination with the features of the claim, do not appear to be taught or suggested by Miller.

Claim 6 states in part, “wherein the processing unit is able to provide a secondary signal encoding a measurement signal and a secondary identification code.” The quoted features of claim 6, in combination with the features of the claim, do not appear to be taught or suggested by Miller.

Claim 7 states in part, “further comprising a remote display comprising: a display screen; and a secondary receiver.” The quoted features of claim 7, in combination with the features of the claim, do not appear to be taught or suggested by Miller.

Claim 8 states in part, “wherein the display comprises a secondary processing stage able to identify a secondary signal according to a secondary identification code inserted in a frame of the secondary signal.” The quoted features of claim 8, in combination with the features of the claim, do not appear to be taught or suggested by Miller.

Claim 9 states in part, “further comprising a remote detector comprising a sensor; and a primary transmitter.” The quoted features of claim 9, in combination with the features of the claim, do not appear to be taught or suggested by Miller.

Claim 10 states in part, “wherein the detector comprises a processing stage able to provide a primary signal encoding a measurement signal of the sensor and a primary identification code.” The quoted features of claim 10, in combination with the features of the claim, do not appear to be taught or suggested by Miller.

Claim 11 states in part, “wherein the housing comprises detachable fixing components.” The quoted features of claim 11, in combination with the features of the claim, do not appear to be taught or suggested by Miller.

Claim 14 states in part, “further comprising a remote detector comprising a sensor; and a primary transmitter.” The quoted features of claim 14, in combination with the features of the claim, do not appear to be taught or suggested by Miller.

Claim 15 states in part, “wherein the detector comprises a processing stage able to provide a primary signal encoding a measurement signal of the sensor and a primary identification code.” The quoted features of claim 15, in combination with the features of the claim, do not appear to be taught or suggested by Miller.

As such, Applicant respectfully requests the removal of the rejection to claims 1, 4, 6, 7, 8, 9, 10, 11, 14, and 15.

**E. The Claims Are Not Obvious Over Miller Pursuant To 35 U.S.C. §103(a)**

Claims 12 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miller. Applicant respectfully disagrees with this rejection.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 USPQ 173, 177-178 (C.C.P.A. 1967). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP §2143.03.

For at least the reasons stated in Section D, the features of claim 1 including, but not limited to, “a first sensor mounted for measuring at least a rotation parameter of at least one rotating wheel” are not taught or suggested by Miller.

Claim 12 states in part, “wherein the display is provided with means of fixing directly on the user or on a part of the user’s equipment, such as the frame of a cycle.” The quoted features of claim 12, in combination with the features of the claim, do not appear to be taught or suggested by Miller.

Claim 16 states in part, “wherein the display is provided with means of fixing directly on the user and on a part of the user’s equipment, such as the frame of a cycle.” The quoted features of claim 12, in combination with the features of the claim, do not appear to be taught or suggested by Miller.

As such, Applicant respectfully requests the removal of the rejections to claims 12 and 16.

**F. The Claims Are Not Obvious Over Miller in View of Parker et al. Pursuant To 35 U.S.C. §103(a)**

Claims 2, 3, 5, and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miller in view of U.S. Patent No. 6,997,882 to Parker et al. (hereinafter “Parker”). Applicant respectfully disagrees with this rejection.

For at least the reasons stated in Section D, the features of claim 1 including, but not limited to, “a first sensor mounted for measuring at least a rotation parameter of at least one rotating wheel” are not taught or suggested by Miller.

Claim 2 states in part, “wherein the housing comprises an accelerometer.” The quoted features of claim 2, in combination with the features of the claim, do not appear to be taught or suggested by Miller.

Claim 3 states in part, “wherein the housing further comprises a processing means connected to the accelerometer, and wherein the processing means is adapted to form a pedometer.” The quoted features of claim 3, in combination with the features of the claim, do not appear to be taught or suggested by Miller.

Claim 5 states in part, “wherein the housing is adapted to display data associated with the pedometer directly on a display screen or transmit the data to a remote display.” The quoted features of claim 5, in combination with the features of the claim, do not appear to be taught or suggested by Miller.

Claim 13 states in part, “wherein the processing unit is able to provide a secondary signal encoding a measurement signal and a secondary identification code.” The quoted features of claim 13, in combination with the features of the claim, do not appear to be taught or suggested by Miller.

As such, Applicant respectfully requests the removal of the rejections to claims 2, 3, 5, and 13.

**G. New Claims**

New claim 17 states in part, wherein the house further comprises: a sensor; and a processing unit.” Support for claim 17 is found in the original claim 1 and in Applicant’s specification, which states at least in part:

The relay housing 6 also may include an accelerometer 34 connected to the processing unit 26. The accelerometer 34 may be associated with appropriate processing software stored in the memory means of the processing unit 26 and able to be used by the microprocessor of the unit 26. The accelerometer 34 makes it possible to obtain a pedometer.  
(Substitute specification, page 6, lines 20-24).

Applicant submits the features of the claim are not taught by the prior art.

New Claim 18 states:

A portable measuring instrument, particularly for use in sport involving at least one rotating wheel, comprising:  
a first sensor mounted for measuring at least a rotation parameter of at least one rotating wheel;  
a primary transmitter for transmitting a measuring signal from the first sensor;  
a housing configured to be removably attached at a location remote from the first sensor; the housing comprising:  
a primary receiver; and  
a secondary transmitter; and  
a display coupled to the body of a user, wherein the display comprises:  
a secondary receiver adapted to receive signals from the secondary transmitter;  
a processor unit; and  
a display device for displaying data corresponding to the measurement of the first sensor.

Support for new claim 18, is found in Applicant’s specification, which states at least in



part:

In figure 1, a skater 1 is wearing roller skate boots 2, 3 fitted with wheels 4 disposed in lines. A roller skate 2 may include an instrumented wheel 5, shown shaded in figure 1, provided with a detector (not shown) including a sensor able to provide a measuring signal representing at least one rotation parameter of the instrumented wheel 5, and with a primary transmitter for transmitting primary signals corresponding to the measurements. A housing 6 is fixed to the top of the roller skate boot 2. The skater 1 wears a display 7 on his wrist provided with a wrist-strap (not visible) and a data display screen 7a. As represented by the jagged lines 8, 9, the housing 6 can receive primary radio signals transmitted by the primary transmitter of the detector of the instrumented wheel 5, and the display 7 can receive secondary radio signals transmitted by the relay housing 6. (Substitute specification, page 5, lines 1-12).

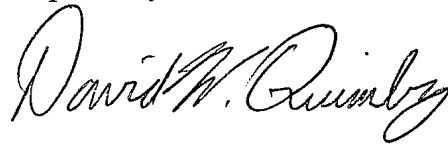
Applicant submits the features of the claim are not taught by the prior art.

**H. Additional Remarks**

Based on the above, Applicant submits that all claims are now in condition for allowance. Favorable reconsideration is respectfully requested.

It is believed that no fees are due in connection with the filing of this paper. However, if any fees are due, the Commissioner is hereby authorized to deduct the fees from Meyertons, Hood, Kivlin, Kowert & Goetzel Deposit Account No. 50-1505/5310-09000/EBM.

Respectfully submitted,



David W. Quimby  
Reg. No. 39,338

Attorney for Applicant

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.  
P.O. BOX 398  
AUSTIN, TX 78767-0398  
(512) 853-8800 (voice)  
(512) 853-8801 (facsimile)

Date: January 2, 2008